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8 **UNITED STATES DISTRICT COURT**

9 **DISTRICT OF NEVADA**

10 WITS BASIN PRECIOUS MINERALS  
11 INC., LEE LEVINE, MICHAEL LEPORE,  
12 MARK McLAIN, MORTON WALDMAN,  
13 ALLAN STALLER, THOMAS MCADAM,  
14 ARTHUR BROWN, and DJ SIKKA,  
Plaintiffs,

CASE NO.: 2:14-cv-1459-GMN-CWH

15 v.  
16 **STIPULATION AND [PROPOSED] ORDER  
17 TO EXTEND DISCOVERY DATES AND  
DEADLINES  
(SECOND REQUEST)**

18 STANDARD METALS PROCESSING,  
19 INC., f/k/a STANDARD GOLD, INC., a  
Nevada Corporation,

Defendants.

20 Plaintiffs, WITS BASIN PRECIOUS MINERALS INC., LEE LEVINE, MICHAEL  
21 LEPORE, MARK McLAIN, MORTON WALDMAN, ALLAN STALLER, THOMAS  
22 McADAM ARTHUR BROWN, and DJ SIKKA ("Plaintiffs"), for good cause shown, hereby  
23 stipulate and agree, and Defendant STANDARD METALS PROCESSING, INC., f/k/a  
24 STANDARD GOLD, INC. ("Defendant") (Plaintiffs and Defendant are collectively referred to as  
25 the "Parties"), by and through their respective counsel of record, pursuant to Local Rule ("LR")  
26 26-4 and LR 6-1, does not object and hereby stipulates and agrees as follows:

27 **I. DISCOVERY COMPLETED TO DATE:**

28 Early meeting of counsel pursuant to Fed. R. Civ. P. 26(f) and LR 26-1;

1           Defendant propounded its "First Set of Requests for Production of Documents to Plaintiff  
 2 Wits Basin Precious Metals, Inc.," "First Set of Interrogatories to Plaintiff Wits Basin Precious  
 3 Metals, Inc.," and "First Set of Requests for Admissions to Plaintiff Wits Basin Precious Metals,  
 4 Inc."<sup>1</sup> Due to Plaintiffs' counsel's change of law firms, copies of Defendant's written discovery  
 5 requests have just been received by Plaintiffs. The Parties previously agreed that Plaintiff Wits  
 6 Basin Precious Minerals Inc. had up to and including June 19, 2015 in which to provide  
 7 responses thereto. Review and verification of the discovery responses by representatives of Wits  
 8 Basin will not be completed by the current June 19, 2015 deadline. Plaintiffs have requested and  
 9 Defendant does not object to extend this deadline to, and including, July 1, 2015.

10           **II. DISCOVERY THAT REMAINS TO BE COMPLETED:**

11           Defendant made its initial disclosures on May 7, 2015;

12           Plaintiffs will make their initial disclosures July 1, 2015;

13           Plaintiffs must respond to Defendant's pending written discovery, the responses to which  
 14 are due on July 1, 2015;

15           Plaintiffs must serve its written discovery for Defendant's Responses;

16           The Parties will schedule and take the depositions of Plaintiffs, Defendant and FRCP  
 17 30(b)(6) business entity witnesses;

18           Expert depositions will be taken if experts are disclosed; and

19           Additional written discovery between the Parties, as needed, including, but not limited to,  
 20 interrogatories, requests for production of documents and requests for admissions; and  
 21 additional discovery on non-parties, as needed.

22           **III. REASONS WHY DISCOVERY REMAINING WILL NOT BE COMPLETED  
 23 WITHIN TIME LIMITS SET BY THE COURT'S DECEMBER 23, 2013, ORDER.**

24           On March 17, 2015, the Court entered the Discovery Plan and Scheduling Order [DOC  
 25 27] in this matter.

26           The Parties were on-track to complete discovery in this matter by the September 9, 2015

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28 <sup>1</sup> Plaintiff's proper identity is "WITS BASIN PRECIOUS MINERALS INC."

1 discovery cut-off. However, Plaintiffs' counsel changed law firms on February 23, 2015, and  
 2 Plaintiffs have only just retained counsel's new law firm to continue to pursue this matter on  
 3 their collective behalves. As a result, discovery has not yet been conducted for the past few  
 4 months, and the Plaintiffs require additional time to pursue discovery in this matter.  
 5 Accordingly, Plaintiffs have requested, and Defendants does not oppose, a discovery extension  
 6 that affords them the opportunity to spend additional time and resources to complete and provide  
 7 the necessary discovery responses and disclosures.

8 **VI. PROPOSED SCHEDULE FOR COMPLETING ALL REMAINING DISCOVERY.**

9 In light of the foregoing, the Plaintiffs requests a two (2) week extension of the discovery  
 10 cut-off date and all related dates and deadlines, in order to complete discovery in this matter and  
 11 to possibly explore settlement. Defendant does not object and will so agree. The requested  
 12 discovery extension will provide the parties with sufficient time to complete discovery in this  
 13 matter and determine whether a settlement can be reached in this matter. The Parties' proposed  
 14 schedule for completing discovery is contained in the following table:

| <u>EVENT</u>                              | <u>CURRENT</u>     | <u>PROPOSED</u>    |
|---|--------------------|--------------------|
|   | <u>DATE</u>        | <u>NEW DATE</u>    |
| Motions to Amend Pleadings or add parties | August 10, 2015    | August 24, 2015    |
| Deadline to File Interim Status Report    | September 9, 2015  | September 23, 2015 |
| Deadline for Initial Expert Disclosures   | September 11, 2015 | September 25, 2015 |
| Last Date to Disclose Rebuttal Experts    | October 13, 2015   | October 27, 2015   |
| Discovery Cut-off                         | November 23, 2015  | December 7, 2015   |
| Last Date to File Dispositive Motions     | December 8, 2015   | December 22, 2015  |
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1 Last Date to File Joint Pre-Trial Order January 8, 2016 January 22, 2016  
2 Last Date to Submit Stipulation or Motion August 19, 2015 September 2, 2015  
3 to Modify or Extend Discovery Dates

4 DATED this \_\_\_\_\_ day of June, 2015.

5 MORRIS POLICH & PURDY LLP

BRINEN & ASSOCIATES, LLC

6 */s/ Deanna L. Forbush*

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12  
13 **ORDER**

14 IT IS ORDERED.

15 *Cwsl*  
16 UNITED STATES MAGISTRATE JUDGE

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18 Dated: June 22, 2015

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